

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAMEL LEROY JONES,	:	CIVIL ACTION NO. 1:08-CV-1773
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
SUPERINTENDENT SHANNON,	:	
ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA,	:	
	:	
Respondents	:	
	:	

ORDER

AND NOW, this 15th day of December, 2008, upon consideration of petitioner's motion to withdraw(Doc. 9) his state habeas corpus petition filed pursuant 28 U.S.C. § 2254, because he is still pursuing "meritorious claims that have not been 'fairly and properly' presented in the 'state' courts" (id.), it is hereby ORDERED that:

1. Petitioner's motion to withdraw the petition (Doc. 9) is GRANTED without prejudice. See Slack v. McDaniel, 529 U.S. 473, 485-86 (2000) ("a habeas petition filed in the district court after an initial habeas petition was unadjudicated on the merits and dismissed for failure to exhaust state remedies is not a second or successive petition.")
2. The Clerk of Court is directed to TERMINATE all pending motions (Doc. 7, 9.)
3. The Clerk of Court is further directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge